

Remarks and Arguments

Applicant has carefully considered the office action mailed September 13, 2004, and the references cited therein. Applicant respectfully requests reexamination and reconsideration of this application.

By this Amendment, Applicant has amended claims 20, 84-86, 88 and 90. As a result, claims 20, 21, 23 and 84-91 are pending in the application with claims 20, 84 and 85 being independent claims.

Rejections under 35 U.S.C. §103

Claims 20, 21, 23, 84 and 86-91 stand rejected under §103 as being unpatentable over *Glogau* in view of *Kim*. Applicant respectfully traverses this rejection as follows.

Glogau is directed to a system for preventing unauthorized access and/or reproduction of copyrightable work that is available in a computer readable format. (Abstract). In operation, an owner or operator of a website where copyrighted material is available will configure its system such that only licensed or authorized users are able to access the protected material. (Page 5, lines 6-20). *Glogau* teaches that the website is modified by a copy protection system where the material available on the website is categorized as to whether or not only an authorized user is able to access the material. When a user accesses the website, a determination is made as to whether that particular end-user is licensed or authorized. This involves a process of checking for an indication, for example, a cookie on the end-user's system, as an indication of prior authorization. If the end-user is authorized, then access to the material is granted. (Page 12, line 6-page 13, line 1).

When the end-user wishes to obtain local copies of the protected material, and is authorized, the end-user downloads site copying software in order to complete the copying operation. (Page 29, lines 12-15).

In summary, *Glogau* teaches a system whereby an owner of copyright protected material controls access to the material. Once the protected material is identified, only authorized users are able to access the protected material. *Glogau* teaches that an

end-user desiring access to the protected material must first become licensed and then, in order to copy the material, download a specific program.

Kim is directed to a method for protecting content in a digital broadcasting system such that the content is protected from illegal viewing or copying. (Abstract). *Kim* teaches that a bit stream representative of a digital broadcast, i.e., digitally transmitted television programming, includes copy protection control bits. (Column 1, lines-28). These control bits determine whether or not the digital content can be copied onto a tape or viewed, for example, on a television screen. (Column 1, lines 30-39). Further, *Kim* teaches that the bit stream is encrypted such that only a decryption system that is properly configured can decrypt the signal either for viewing or copying, if permitted, as per the terms of a license.

Applicant respectfully submits that the combination of *Glogau* in view of *Kim* does not render obvious that which is recited in the claims as amended.

Independent claim 20, as amended, and from which claims 21, 23, 86 and 87 depend, is directed to a method of receiving compensation for a security system for protecting content distributed over a computer network. The method includes selling a server security program to a content provider and selling a plurality of copies of a limited-use client program to the content provider for licensing to users wishing to access the content. As claimed, the server security program distributes the content to a client system if the client system has a limited-use client program where the limited-use client program is configured to limit, in at least one way, non-ephemeral reproduction of the content while the distributed content is being displayed by the limited-use client program at the client system.

Applicant respectfully submits that the cited combination does not render obvious that which is recited in claim 20 for at least the reason that the cited combination does not result in a limited-use client program configured to limit, in at least one way, non-ephemeral reproduction of the content while the distributed content is being displayed by the limited-use client program at the client's system.

Glogau teaches only that content can be protected from distribution to non-authorized users by checking first to make sure that an end-user desiring access to the content has been pre-approved. If the end-user is not approved, then a license is

offered. If the end-user accepts the terms of the license, then access is granted. Further, *Glogau* teaches that in order to copy the content, a separate program has to be downloaded. *Glogau* does not teach or suggest that the content is displayed by the end-user and while being displayed cannot be non-ephemerally reproduced, as is recited in claim 20. As above, *Glogau* controls access to the protective material.

Kim, however, does not remedy the deficiencies of *Glogau* with respect to claim 20. As above, *Kim* teaches the encryption of a signal representative of protected content wherein the encryption not only protects the content from being interpreted but also controls whether the content can be recorded. *Kim* does not teach or suggest, however, a limited-use client program that limits, in at least one way, non-ephemeral reproduction of the content while the distributed content is being displayed by the limited-use client program at the client's system, as is recited in claim 20. *Kim* teaches a mechanism for protecting against unauthorized copying of the material. *Kim*, however, does not base the limitation of copying on whether or not the content is being displayed.

Kim teaches, referring to at least Fig. 10 and Col. 7, line 53 – Col. 8, line 10, that the step 115 of determining whether to allow recording results in possibly two parallel operations. If recording is allowed, then descrambling and display, steps 116, 117, occur while the recording occurs. When, however, recording is not allowed, the display may still occur. Thus, in contrast to that which is recited in claim 20, *Kim* limits the recording operation as a function of information embedded within the content and not because the protected content is being displayed.

Applicant submits that, at most, the combination of *Glogau* in view of *Kim* results in the access control taught by *Glogau* with the insertion of access control and encryption functions as taught by *Kim*. The teachings of *Kim* would give *Glogau* an additional level of protection in that once an end-user is authorized, the content that is transmitted to the end-user would be encrypted. *Glogau* would provide a program for the authorized end-user to be able to decrypt the encrypted material. As above, however, this combination is silent as to at least the cited function of limiting the non-ephemeral reproduction while the distributed content is being displayed.

For at least the foregoing reasons, Applicant submits that independent claim 20 is not rendered obvious by the cited combination.

As claims 21, 23, 86 and 87 depend from claim 20, Applicant submits that these claims are also patentable over the cited combination.

Independent claim 84, as amended, is directed to a method of receiving compensation for distributing protected content over a computer network by providing network accessible protected content from a source, authorizing downloading of protected content from a source to a client system and preventing, in at least one way and until compensation is received, non-ephemeral reproduction of the downloaded content while the downloaded content is being displayed by the client system.

Independent claim 85, as amended, is directed to a computer program product for use with a computer system operatively connectable to a computer network and capable of distributing protected content over a computer network. The computer program product comprises a computer useable medium having embodied therein program code comprising: program code for providing network accessible protected content from a source; program code for authorizing downloading of protected content from a source to a client system; and program code for preventing, in at least one way and until compensation is received, non-ephemeral reproduction of the downloaded content while the downloaded content is being displayed by the client system.

Similar to the reasons submitted above with respect to independent claim 20, Applicant submits that independent claims 84 and 85 are not rendered obvious by the cited combination for at least the reason that the above combination does not teach or suggest preventing non-ephemeral reproduction of downloaded content in at least one way and until compensation is received, while the downloaded content is being displayed, as recited in these claims. The cited combination fails to teach or suggest that protected content, while it is displayed, will not be able to be non-ephemerally reproduced. Thus, Applicant submits that these claims, and dependent claims 88-91, are allowable over the cited combination.

Applicant respectfully reasserts all of the arguments and traversals set forth in prior responses to the extent they are still relevant to the outstanding rejections. If, after

considering the above remarks and amendments, the Examiner is still not of the opinion that allowable subject matter is claimed, Applicant respectfully requests a telephone interview with the Examiner and his respective Supervisory Patent Examiner to resolve any outstanding issues prior to issuance of any further office actions.

Applicant believes that the claims are in allowable condition. A Notice of Allowance for this application is earnestly solicited. If the Examiner has any further questions regarding this amendment, the Examiner is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 C.F.R. §§1.16 and 1.17 to Deposit Account no. 02-3038.

Respectfully submitted,



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